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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,635	12/23/2000	Dann E. Kroeger	ATUBP004	1550

7590 01/21/2005

HOVEY, WILLIAMS, TIMMONS & COLLINS
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KANSAS, MI 64108

EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTICE OF NON-RESPONSIVE AMENDMENT

The reply filed on September 28, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Newly submitted claims 50-72 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The inventions of claims 50-72 and claims 1-49 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of claims 50-72 has separate utility for managing construction-based projects including managing tasks such as team assembly, site acquisition, permit acquisition, etc. Additionally, the invention of claims 50-72 does not include bidding or managing budget/costs. The invention of claims 1-49 is also directed to project management, but does not recite any construction-related task management and does include bidding and managing budget/costs. See MPEP § 806.05(d).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 50-72 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to

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avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306	[Official Communications; including After Final communications labeled "Box AF"]
703-746-7202	[For status inquiries, draft communication, labeled "Proposed" or "Draft"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


cmc

January 10, 2005


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600